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INNOVAR, LLC P O BOX 250647 PLANO, TX 75025			EXAMINER ERB, NATHAN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,616

Applicant(s)

BARSADE ET AL.

Examiner

NATHAN ERB

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.5 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.5 and 7-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's response to Office action was received on February 25, 2009.
3. In response to Applicant's amendment of the claims, all of the claim objections from the previous Office action are hereby withdrawn.
4. In response to Applicant's amendment of the claims, the rejections of claims 21-23 under 35 U.S.C. 101 from the previous Office action are hereby withdrawn. However, the other rejections under 35 U.S.C. 101 from the previous Office action remain. Applicant's addition of the language "at least one node is a server or computer" to claim 1 did not overcome the rejection of claim 1 with respect to 35 U.S.C. 101 because the term "server" may refer to simply software, therefore not necessarily requiring any physical apparatus as part of the system of claim 1.
5. In response to Applicant's amendment of the claims, the corresponding prior art claim rejections have been correspondingly amended below in this Office action.
6. Applicant's arguments against the prior art rejections are based on the concept that, in Agee, the transaction processing information is transmitted from the gateway through the tax system and then through the financial system, as opposed to Applicant's invention, in which transaction information is transmitted through the gateway, to the tax system, back to the gateway, and then on to the financial system. However, note that if one considers the gateway to be the third-party service provider 62 system of Agee, one

gets Applicant's configuration in Agee. The third-party service provider receives information from the merchant, transmits information to the tax system, receives information back from the tax system, and then may process payments in conjunction with the financial system. The other gateway in Agee (the one labelled as a gateway) may even be bypassed, further solidifying the comparison with Applicant's system. See Agee; paragraph [0043]; paragraph [0045]; paragraphs [0084]-[0086]. Note that, in light of Applicant's specification, the third-party service provider 62 system of Agee may be considered to be a gateway due to its function of facilitating payment. See Applicant's specification-as-filed, pp. 24-25.

Claim Rejections - 35 USC § 101

7. Claims 1, 5, and 7-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to a computer program, without the computer-readable medium needed to realize the computer program's functionality. Note that a "logic engine" can be interpreted to be a computer program. Therefore, the claim is directed to nonstatutory functional descriptive material. See MPEP 2106.01(I).

With respect to claims 1, 5, and 7-20, more specifically, these claims are directed to a "system," yet the body of the claims include no language requiring physical structural components of such a system. Therefore, these claims are being treated as improper software claims. Examiner suggests that these rejections with respect to claims 1, 5, and 7-20 be overcome by amending these claims to require the physical

structural components of said system, as that appears to be what was intended by Applicant.

Claim Rejections - 35 USC § 103

8. Claims 1, 5, and 7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan, U.S. Patent Application Publication No. US 2003/0093320 A1, in view of Agee et al., U.S. Patent Application Publication No. US 2003/0097303 A1.

As per **Claim 1**, Sullivan discloses:

- a client logic engine-based system for handling calculation and payment of one or more third party fees due to a third party as part of one or more wide area network transactions between a first party and a second party, wherein the first, second and third parties are users of distinct first, second and third nodes, respectively, of the wide area network (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0124]-[0126]);

- a wide area network comprising multiple nodes enabling the transfer of transaction data information packets between the first party and the second party (paragraph [0046]);

- a transaction client logic engine, residing on a node within the wide area network distinct from and at a different locale than the nodes of the first and the second party, that: includes rules of logic for the determination of what action is required on transaction data information packets; receives one or more transaction data information packets related to one or more wide area network transactions between the first and the

second party; determines what action is required on received transaction data information packets; and based upon said determination, transmits the information packets: between a third party fee calculation client logic engine and itself, or between a third party fee fulfillment client and itself (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- a third party fee calculation client logic engine, residing on a node within the wide area network distinct from the nodes of the first and the second party, that: includes rules of logic for the determination of fees owed to a third party on one or more transactions between the first and the second party; receives one or more information packets from a transaction client logic engine; calculates the third party fees owed on the transaction between the first and the second party; and transmits to the transaction client logic engine or a third party fee fulfillment client logic engine, a transaction data information packet including said third party fees owed (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraphs [0124]-[0126]; paragraphs [0130]-[0131]);

- a third party fee fulfillment client logic engine, residing on a node within the wide area network distinct from the nodes of the first and the second party, that: includes rules of logic for the determination of fees owed to one or more third parties on one or more transactions between the first and the second party; receives from the transaction client logic engine, or the third party fee calculation logic engine, one or more information packets containing data for the transfer of transaction funds between the

first and the second party; determines the third party fees owed on the transaction between the first and the second party; provides authorization and fulfillment data for the third party fees owed on the transaction between the first and the second party; and transmits to the transaction client logic engine one or more information data packets comprising authorization and fulfillment data for the transfer of funds; wherein the system causes the deduction of the third party fees owing from funds transferred between the first and the second party; and causes the transfer of the third party fees to said one or more third parties (Figure 1; paragraphs [0005]-[0007]; paragraph [0038]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0122]; paragraphs [0124]-[0126]; paragraphs [0130]-[0131]);

- wherein at each occurrence, a node is selected from a computer, server, or gateway; and the first party is a consumer and the second party is a merchant, and at least one node is a server or computer (Figure 1; Figure 3F; paragraphs [0036]-[0040]).

Sullivan fails to disclose wherein the tax system components are divided in the manner specified in claim 1 among multiple computers at separate nodes of the network which communicate with each other. However, Sullivan discloses that its system may be divided among multiple computers at separate nodes of the network which communicate with each other (paragraphs [0130]-[0131]). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the tax system components are divided in the manner specified in claim 1 among multiple computers at separate nodes of the network which communicate with each other; in doing so, its system would be divided among multiple computers at separate nodes of

the network which communicate with each other, as disclosed by Sullivan. The modification would have been obvious because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Sullivan fails to disclose a payment processing gateway, residing on a node within the wide area network distinct from and at a different locale than the nodes of the first and the second party, that: transmits to a transaction client logic engine one or more transaction data information packets related to one or more wide area network transactions between the first and the second party; receives from the transaction client logic engine or a third party fee fulfillment client logic engine one or more information data packets comprising authorization and fulfillment data for the transfer of funds; and transmits to a financial network the one or more information data packets comprising authorization and fulfillment data for the transfer of funds. Agee et al. discloses a payment processing gateway, residing on a node within the wide area network distinct from and at a different locale than the nodes of the first and the second party, that: transmits to a transaction client logic engine one or more transaction data information packets related to one or more wide area network transactions between the first and the second party; receives from the transaction client logic engine or a third party fee fulfillment client logic engine one or more information data packets comprising authorization and fulfillment data for the transfer of funds; and transmits to a financial network the one or more information data packets comprising authorization and

fulfillment data for the transfer of funds (paragraph [0043]; paragraph [0045]; paragraphs [0084]-[0086]; in this case, the third-party service provider 62 system can be regarded as a payment processing gateway). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that it includes a payment processing gateway, residing on a node within the wide area network distinct from and at a different locale than the nodes of the first and the second party, that: transmits to a transaction client logic engine one or more transaction data information packets related to one or more wide area network transactions between the first and the second party; receives from the transaction client logic engine or a third party fee fulfillment client logic engine one or more information data packets comprising authorization and fulfillment data for the transfer of funds; and transmits to a financial network the one or more information data packets comprising authorization and fulfillment data for the transfer of funds, as disclosed by Agee, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Sullivan fails to disclose the tax system receives transaction data from the payment processing gateway. Agee et al. further discloses the tax system receives transaction data from the payment processing gateway (paragraph [0043]; paragraph [0045]; paragraphs [0084]-[0086]; in this case, the third-party service provider 62 system can be regarded as a payment processing gateway). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the

tax system receives transaction data from the payment processing gateway, as disclosed by Agee et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per Claim 5, Sullivan fails to disclose wherein the tax system components are divided in the manner specified in claim 1 among multiple computers at separate nodes of the network which communicate with each other. However, Sullivan discloses that its system may be divided among multiple computers at separate nodes of the network which communicate with each other (paragraphs [0130]-[0131]). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the tax system components are divided in the manner specified in claim 1 among multiple computers at separate nodes of the network which communicate with each other; in doing so, its system would be divided among multiple computers at separate nodes of the network which communicate with each other, as disclosed by Sullivan. The modification would have been obvious because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 7**, Sullivan further discloses wherein the wide area network is the Internet (paragraph [0039]; paragraph [0046]).

As per **Claim 8**, Sullivan further discloses wherein the merchant is an on-line merchant having a website resident on a node of the wide area network, the transaction is an on-line electronic transaction conducted over the wide area network, and the consumer is obtaining a good and/or service from the merchant (paragraph [0039]; paragraph [0046]).

As per **Claim 9**, Sullivan further discloses wherein the electronic transaction is an e-commerce payment transaction (paragraph [0046]).

As per **Claim 10**, Sullivan further discloses wherein at least one of the third parties is a government agency and at least one of the third party fees is sales tax (paragraph [0007]; paragraph [0036]).

As per **Claim 11**, Sullivan further discloses wherein at least one of the third parties is a logic engine service provider that controls the system and provides for calculation and/or payment of at least one third party fee to the government agency (paragraphs [0005]-[0007]; paragraph [0061]; paragraph [0122]; paragraph [0124]-[0126]).

As per **Claim 12**, Sullivan further discloses wherein at least one of the third party fees is a fee due to the logic engine service provider (paragraph [0122]; paragraph [0124]-[0126]).

As per **Claim 13**, Sullivan further discloses a logic protocol that calculates the amount of third party fee due to the logic engine service provider (paragraph [0122]; paragraph [0124]-[0126]).

As per **Claim 14**, Sullivan further discloses a logic protocol that affects payment of a third party fee to the logic engine service provider (paragraph [0122]; paragraph [0124]-[0126]).

As per **Claim 15**, Sullivan further discloses a logic protocol that determines if a transaction data information packet is to be transmitted to the third party fee calculation client logic engine or the third party fee fulfillment client logic engine (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]).

As per **Claim 16**, Sullivan further discloses a logic protocol that determines if third party payment data is to be added to the transaction data information packet, and, if so, adds the payment data (paragraphs [0005]-[0007]; paragraph [0046]; paragraph [0061]; paragraph [0122]; paragraph [0124]-[0126]).

As per **Claim 17**, Sullivan fails to disclose an authorization and capture client agent. However, that element/limitation was well-known to one of ordinary skill in the art at the time of applicants' invention. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Sullivan such that it includes an authorization and capture client agent, as was well-known to one of ordinary skill in the art at the time of applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicants' invention that an authorization and capture client agent is useful for processing credit card payments in online transactions.

As per **Claim 18**, Sullivan further discloses a service provider fee logic engine, residing on a node within the wide area network, that includes rules of logic for the determination of a third party fee owed to a service provider of the system (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0122]; paragraph [0124]-[0126]).

As per **Claim 19**, Sullivan further discloses wherein the third party fee due to the service provider is a fixed fee (paragraph [0122]).

As per **Claim 20**, Sullivan further discloses wherein the third party fee due to the service provider is a prorated or incremental fee (paragraph [0122]).

As per Claim 21, Sullivan discloses:

- a computer program storage device readable by a computer, tangibly embodying a computer program or instructions executable by the computer to perform method steps for providing a transaction client logic engine, residing on a node within a wide area network (paragraphs [0005]-[0007]; paragraph [0039]; paragraphs [0124]-[0126]);

- receiving one or more transaction data information packets related to one or more wide area network transactions between a first party and a second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraphs [0124]-[0126]);

- determining what action is required on received transaction data information packets (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraphs [0124]-[0126]);

- based upon said determination, transmitting the information packets between a third party fee calculation client logic engine, if present, and itself, or between a third party fee fulfillment client logic engine, if present, and itself (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- wherein the transaction client logic engine resides: on a node of a wide area network and at a different locale than the first party and second party; comprises rules of logic for the determination of what action is required on transaction data information

packets; and is adapted to receive from a third party fee fulfillment client logic engine one or more information data packets comprising authorization and fulfillment data for the transfer of funds (Figure 1; paragraphs [0005]-[0007]; paragraph [0038]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraphs [0124]-[0126]; paragraphs [0130]-[0131]).

Sullivan fails to disclose wherein the tax system components are divided in the manner specified in claim 21 among multiple logic engines which communicate with each other. However, Sullivan discloses that its system may be divided among multiple logic engines which communicate with each other (paragraphs [0130]-[0131]). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the tax system components are divided in the manner specified in claim 21 among multiple logic engines which communicate with each other; in doing so, its system would be divided among multiple logic engines which communicate with each other, as disclosed by Sullivan. The modification would have been obvious because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Sullivan fails to disclose the tax system receives transaction data from the payment processing gateway. Agee et al. discloses the tax system receives transaction data from the payment processing gateway (paragraph [0043]; paragraph [0045]; paragraphs [0084]-[0086]; in this case, the third-party service provider 62 system can be

regarded as a payment processing gateway). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the tax system receives transaction data from the payment processing gateway, as disclosed by Agee et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Sullivan fails to disclose the tax system transmitting said one or more information data packets to the payment processing gateway. Agee further discloses the tax system transmitting said one or more information data packets to the payment processing gateway (paragraph [0043]; paragraph [0045]; paragraphs [0084]-[0086]; in this case, the third-party service provider 62 system can be regarded as a payment processing gateway). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the tax system transmits said one or more information data packets to the payment processing gateway, as disclosed by Agee, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 22**, Sullivan discloses:

- a computer program storage device readable by a computer, tangibly embodying a computer program or instructions executable by the computer to perform method steps for providing a third party fee calculation client logic engine, residing on a node within a wide area network distinct from the nodes of a first party and a second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraphs [0124]-[0126]);

- receiving one or more information packets from a transaction client logic engine (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- calculating the third party fees owed on a transaction between the first and the second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraphs [0124]-[0126]);

- transmitting to the transaction client logic engine, a transaction data information packet including said third party fees owed (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- wherein the third party fee calculation client logic engine: resides on a node with a wide area network distinct from and at a different locale than the nodes of a first party and a second party; comprises rules of logic for the determination of fees owed to a third party on one or more transactions between the first and the second party (Figure 1; paragraphs [0005]-[0007]; paragraph [0038]; paragraph [0039]; paragraph [0046]; paragraphs [0124]-[0126]; paragraphs [0130]-[0131]).

Sullivan fails to disclose wherein the tax system components are divided in the manner specified in claim 22 among multiple logic engines which communicate with each other. However, Sullivan discloses that its system may be divided among multiple logic engines which communicate with each other (paragraphs [0130]-[0131]). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the tax system components are divided in the manner specified in claim 22 among multiple logic engines which communicate with each other; in doing so, its system would be divided among multiple logic engines which communicate with each other, as disclosed by Sullivan. The modification would have been obvious because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Sullivan fails to disclose said one or more information packets from the tax system having been transmitted to the tax system by a payment processing gateway. Agee discloses said one or more information packets from the tax system having been transmitted to the tax system by a payment processing gateway (paragraph [0043]; paragraph [0045]; paragraphs [0084]-[0086]; in this case, the third-party service provider 62 system can be regarded as a payment processing gateway). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that said one or more information packets from the tax system have been transmitted to the tax system by a payment processing gateway, as disclosed by Agee, since the

claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 23**, Sullivan discloses:

- a computer program storage device readable by a computer, tangibly embodying a computer program or instructions executable by the computer to perform method steps for providing a third party fee fulfillment client logic engine, residing on a node within the wide area network distinct from the nodes of a first party and a second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0122]; paragraphs [0124]-[0126]);

- receiving from a transaction client logic engine, if present, or a third party fee calculation client logic engine, if present, one or more information packets containing data for the transfer of transaction funds between the first and the second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraphs [0124]-[0126]);

- determining the third party fees owed on a transaction between the first and the second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- providing authorization and fulfillment data for the third party fees owed on the transaction between the first and the second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- wherein the third party fee fulfillment client logic engine: causes the deduction of the third party fees owing from funds transferred between the first and the second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- causes the transfer of the third party fees to said one or more third parties (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraph [0054]; paragraph [0061]; paragraph [0124]-[0126]; paragraphs [0130]-[0131]);

- resides on a node with a wide area network distinct from and at a different locale than the nodes of a first party and a second party (Figure 1; paragraphs [0005]-[0007]; paragraph [0038]; paragraph [0039]; paragraph [0122]; paragraphs [0124]-[0126]; paragraphs [0130]-[0131]);

- comprises rules of logic for the determination of fees owed to one or more third parties on one or more transactions between the first and the second party (paragraphs [0005]-[0007]; paragraph [0039]; paragraph [0046]; paragraphs [0124]-[0126]).

Sullivan fails to disclose wherein the tax system components are divided in the manner specified in claim 23 among multiple logic engines which communicate with each other. However, Sullivan discloses that its system may be divided among multiple logic engines which communicate with each other (paragraphs [0130]-[0131]). It would

have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the tax system components are divided in the manner specified in claim 23 among multiple logic engines which communicate with each other; in doing so, its system would be divided among multiple logic engines which communicate with each other, as disclosed by Sullivan. The modification would have been obvious because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Sullivan fails to disclose transmitting to a payment processing gateway one or more information data packets from the tax system. Agee discloses transmitting to a payment processing gateway one or more information data packets from the tax system (paragraph [0043]; paragraph [0045]; paragraphs [0084]-[0086]; in this case, the third-party service provider 62 system can be regarded as a payment processing gateway). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that it transmits to a payment processing gateway one or more information data packets from the tax system, as disclosed by Agee, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 24**, Sullivan fails to disclose wherein the financial network comprises an acquirer bank. Agee further discloses wherein the financial network comprises an acquirer bank (paragraph [0043]). It would have been obvious to one of ordinary skill in the art to modify the invention of Sullivan such that the financial network comprises an acquirer bank, as disclosed by Agee, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nathan Erb
Examiner
Art Unit 3628

nhe

/John W Hayes/
Supervisory Patent Examiner, Art Unit 3628